

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

PCF INSURANCE SERVICES OF THE
WEST, LLC,

Plaintiff,

v.

JAMES FRITTS AND RI INSURANCE
SERVICES, LLC,

Defendants.

-and-

JAMES FRITTS, RI INSURANCE
SERVICES, LLC, a Washington limited
liability company, and CHICKEN DINNER
INC., a Washington corporation,

Counterclaim Plaintiffs,

v.

PCF INSURANCE SERVICES OF THE
WEST, LLC, a Delaware limited liability
company; PCF HOLDCO, LLC, a Delaware
limited liability company; JENNI LEE
CROCKER, an individual; and JEFF
HUTCHINS, an individual;

Counterclaim Defendants.

Case No. 2:23-cv-01468

STIPULATED MOTION AND
~~PROPOSED~~ ORDER REGARDING
RESPONSE TO AMENDED
COUNTERCLAIMS AND
RESERVATION OF DEFENSES

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2:23-CV-01468

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1 WHEREAS, on September 20, 2023, Plaintiff PCF Insurance Services of the
 2 West, LLC commenced this action by filing a Complaint (ECF No. 1) against Defendants
 3 James Fritts and RI Insurance Services, LLC;

4 WHEREAS, on April 26, 2024, Plaintiff filed its Second Amended Complaint
 5 (the “Amended Complaint”) (ECF No. 57) against Defendants;

6 WHEREAS, on September 16, 2024, Defendants filed their Answer to
 7 Plaintiffs’ Amended Complaint, including Counterclaim Plaintiffs James Fritts, RI Insurance
 8 Services, LLC and Chicken Dinner Inc.’s Counterclaims (the “Initial Counterclaims”) against
 9 PCF Insurance Services of the West, LLC and PCF Holdco, LLC (ECF No. 109);

10 WHEREAS, on October 21, 2024, PCF Insurance Services of the West, LLC
 11 and PCF Holdco, LLC filed their Motion to Dismiss the Initial Counterclaims, including a
 12 defense on the basis of lack of personal jurisdiction, among others (ECF No. 115);

13 WHEREAS, on November 25, 2024, Defendants filed their Amended Answer
 14 to Plaintiff’s Amended Complaint, including Counterclaim Plaintiffs’ Amended Counterclaims
 15 (the “Amended Counterclaims”) against Counterclaim Defendants PCF Insurance Services of
 16 the West, LLC, PCF Holdco, LLC, Jenni Lee Crocker, and Jeff Hutchins (ECF No. 119);

17 WHEREAS the Amended Counterclaims added for the first time as
 18 Counterclaim Defendants Jenni Lee Crocker and Jeff Hutchins;

19 WHEREAS counsel for the Counterclaim Plaintiffs and Counterclaim
 20 Defendants met and conferred regarding an appropriate schedule for responding to the
 21 Amended Counterclaims;

22 WHEREAS the Counterclaim Plaintiffs have already served jurisdictional
 23 discovery on PCF Holdco, LLC and they anticipate that any defense Counterclaim Defendants
 24 may have on the basis of personal jurisdiction may involve questions of fact;

25 WHEREAS the parties agree that it would best serve all of the parties’ and the
 26 Court’s interests to resolve issues of personal jurisdiction, if any, on a summary judgment
 27 posture;

28 STIPULATED MOTION AND ~~{PROPOSED}~~
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 RESERVATION OF DEFENSES

WHEREAS, effective as of the Court's entry of this Stipulation and [Proposed] Order, Jenni Lee Crocker and Jeff Hutchins accept service of the Amended Counterclaims, while expressly reserving any and all defenses, objections or arguments, including related to personal jurisdiction;

WHEREAS, no party has previously requested or received time for an extension to answer or otherwise respond to the Amended Counterclaims;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel, that:

1. Jenni Lee Crocker and Jeff Hutchins accept service of the Amended Counterclaims, while expressly reserving any and all defenses, objections or arguments, including related to personal jurisdiction.
2. The Counterclaim Defendants shall answer the Amended Counterclaims on or before December 16, 2024. The Counterclaim Defendants shall assert their defenses on the basis of lack of personal jurisdiction, if any, in their answer.
3. In the event Counterclaim Defendants file a Rule 12(c) motion on the Amended Counterclaims, they shall do so on or before December 16, 2024. Counterclaim Plaintiffs' opposition to any such motion shall be due on January 13, 2025. Counterclaim Defendants' reply shall be due on January 22, 2025.
4. Neither executing this Stipulation, participating in discovery nor failing to argue lack of personal jurisdiction in a Rule 12 motion shall constitute a waiver of the Counterclaim Defendants' right to argue lack of personal jurisdiction as a defense. Nothing in this Stipulation shall constitute a concession or admission by Counterclaim Plaintiffs regarding Counterclaim Defendants' potential arguments as to personal jurisdiction.
5. Nothing in this Stipulation shall prejudice the right of Counterclaim Plaintiffs to conduct additional jurisdictional discovery.

6. Nothing in this Stipulation shall prejudice the right of any party to seek further extensions on the consent of the other parties or from the Court.

Respectfully submitted this 7th day of December, 2024.

DATED: December 7, 2024

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Services, LLC and Counterclaim Plaintiff
Chicken Dinner Inc.*

~~PROPOSED~~ ORDER GRANTING STIPULATED MOTION

Based on the foregoing stipulation of the parties, and good cause appearing, the Court hereby GRANTS the Stipulated Motion. Counterclaim Defendants' deadline to answer, move, or otherwise respond to the Amended Counterclaims shall be extended until **December 16, 2024**. In the event Counterclaim Defendants file a motion under Rule 12(c) on the Amended Counterclaims, Counterclaim Plaintiffs' deadline to oppose any such motion shall be due on **January 13, 2025**, and Counterclaim Defendants' Reply shall be due on **January 22, 2025**. Counterclaim Defendants have expressly reserved their right to argue a defense to the Court's exercise of personal jurisdiction over them, if any, on summary judgment, and they shall not be deemed to have waived that right by failing to raise that defense in a motion under Rule 12 or by participating in discovery.

IT IS SO ORDERED.

DATED: December 9, 2024



Hon. John C. Coughenour

United States District Judge